**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**
**AND**
**THE HON'BLE Ms. JUSTICE : G.ROHINI**

WRIT PETITION No. 4241 of 2004

Between:

M/s Sri Gajanana Silks, 11-698, Sale Street,
Dharmavaram, Ananthapur district, rep. By its
Managing Partner J.Satyanarayana. ..... PETITIONER

AND

1 Union of India, rep. by its Secretary, Ministry of Law,
Shastri Bhavan, R.P.Road, New Delhi.
2 UCO Bank, Ananthapur branch, Raju Road, Kamalanagar, Ananthapur,
rep. by its Branch Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or Direction striking down the "Securitisation & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002", and striking down Sections 13,15 & 34 of the Securitisation & Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and set aside the notice dated 28.5.2003 and 23.2.2004 issued by the 2nd respondent.

For the Petitioner : Mr.O.MANOHAR REDDY, Advocate
For the Respondent No.1 : Mr.A.RAJASHEKAR REDDY
(S.C. for Central Govt.)
For the Respondent No.2 : Mr.RAAVINUTHULA V.S.R., Advocate

The Court made the following :

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**ORDER:** (per the Hon'ble the Chief Justice Sri Devinder Gupta)

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In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v. UNION OF INDIA & ORS], challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, C.J

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G.ROHINI, J

Dated: 7th July 2004.

NMR/DA

To

1 The Secretary, Ministry of Law, Union of India,
Shastri Bhavan, R.P.Road, New Delhi.
2 The Branch Manager, UCO Bank, Ananthapur branch, Raju Road,
Kamalanagar, Ananthapur.
4 Two CD copies.